4: Skinner E-5 (1955-1957) 1957
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643 The war minister replied, "That will be against tradition and justice to the dead ruler. Do not fear; I am here with my arms to see that your decision is respected" (this was not always an empty gesture, for one man, Wobogo, forced a Ouidi-naba to elect him).[3] When the lesser ministers were notified as to the choice of the new sovereign they said: "You have expressed our will and the will of all the people." The elector then secretly called the new ruler and, taking off the man's goat's skin (the symbol of those seeking the chieftainship) told him: "I am giving you the house of your father and of your grandfather." Then the ministers and the chief musician escorted the new ruler before his subjects, and the Ouidi-naba shouted: "Here is he who has the power of life and death over you." The following day all the members of the ruling lineage and sublineages swore not to betray their new ruler. The minister of war then swore, in the name of all the people, to protect the new ruler with his life if the need ever arose. Next followed ceremonies during which a descendant of the original Ninisi inhabitants made sacrifices, in the name of the new sovereign, to his ancient ancestors.

643 642 [778] In analyzing the power of the Moro-naba we must take into consideration the concept of *nam* which is described as "power" or "the force of God." It is this force of God that enables one man to control another, and gives the sovereign the power of life and death over his subjects. Moreover, once a man had "eaten the *nam*," the Mossi constitution had no provisions for deposing him. The Mossi generally claim that only one of their thirty-three rulers was ever deposed, and that he was the ruler who ran away from the French. However, there is another tradition that states that one sovereign, Karfo, was forced to commit suicide by his Ouidi-naba.

According to the Mossi constitution, the Moro-naba had complete control over the lands of the state, and was the only one empowered to distribute these lands as fiefs. Any attack on the lands of the state was an attack on the Moro-naba and thus a cause for war. The Moro-naba alone had the right to make war, and in this he was helped by his vassals, the district chiefs, and their armies. He was court of final appeal for crimes that carried the death penalty and, theoretically, only he had the right to condemn a nobleman to death.

651 686 Every year the district chiefs under the command of their ministers went to the capital to pay allegiance to the Moro-naba with gifts of cows, goats, sheep, cowries, and grain. The animals were presents from the stock of the district chiefs, but the cowries and grain were collected from the villagers of the districts. The people of the several wards in the capital furnished labor for the cultivation of the sovereign's fields and for the upkeep of his houses. The Moro-naba received substantial sums of money from taxes on the sale of slaves or other merchandise in the Ouagadougou market. He also received presents of slaves when his vassals raided the surrounding countries. If a district chief failed to fulfill all of these

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obligations to the Moro-naba, his lands were raided, his women seized and, if he were caught, he was killed.

It is difficult to ascertain how the institution of provincial administrators arose among the Mossi. Some of the people still believe that the ministers were formerly slaves of the Moro-naba, but Delobsom claims that the first ministers were warrior companions of Naba Oubri, the founder of the Ouagadougou dynasty.[4] These men were not members of the royal lineage and thus were inferior in status to the members of the royal lineage and sublineages under their supervision. However, as emissaries of the Moro-naba, these ministers were entitled to respect by all the people. The ministers recommended successors to vacant district chieftainships; thus it was incumbent upon a district chief to be friendly with his minister if he wished succession to go to his eldest son.

The minister was the person who carried orders from the Moro-naba to the district chiefs, and he reported back to the Moro-naba on conditions in the district he visited. However, the minister could not interfere in the internal affairs of a district, nor could the district chief complain to the Moro-naba about a minister. Everyone was required to observe the strict hierarchy; the only sanction that the district chief exercised over his minister was to appeal to another minister in the hope that the Moro-naba would come to his aid.

The districts that comprised the provinces of the ministers were scattered around the country and were not equal in size or importance. One minister, the Baloum-naba, controlled the districts ruled over by those chiefs who were the sons of recent rulers. Another, the Kamsoro-naba, a eunuch, had control of the largest and wealthiest districts, but he, in contrast to the other ministers, was not succeeded by sons and, when he died, the Moro-naba inherited all of his property. The ministers frequently became very wealthy because they received gifts whenever their charges went to Ouagadougou to pay homage to the ruler. The people from the districts under their control provided labor for their fields and for the upkeep of their houses. The ministers also received bribes from persons seeking vacant district chieftainships.

When a district chief or Kombéré died, his heirs sent a horse or a sheep with leaves on its tail to notify the ruler of the death. The Moro-naba always questioned the envoys, and when he was satisfied that his man had not met with foul play, he sent the animal to his chief minister. The Moro-naba then sent his own envoys to the late chief's house with offerings for sacrifices to their common ancestors, and also instructed the envoys to collect the death offerings from the chief's relatives. After the funeral the eldest son of the dead chief and the other pretenders went to Ouagadougou bearing gifts to the district minister and the other important men surrounding the ruler. When the time came to name the new district chief, the Moro-naba called his ministers together and asked them: "Which one of the candidates is really capable of succeeding the late chief?"

He was also liable to be put in stocks for several days, and when released he was warned against visiting the local markets, where he might be tempted to renew his illicit relations. A nobleman convicted of adultery was often merely warned or fined, since his movements could not be restricted. But if a man caught his wife and another man in *flagrante delicto* and killed them, his act was considered justifiable homicide (even if the slain man was a noble), and he went free. If, however, he killed the lover but spared his wife, he had to send her to the chief's household. Here she was made to perform hard work under the supervision of the palace guards until it was believed that she had reformed. A man who was experiencing difficulties with an unfaithful wife and feared he might eventually kill her or her paramour also sent her to the chief's compound for a few months.

The Mossi have always been great creditors and debtors, and cases concerning indebtedness seem to have been next in frequency at the district court. The chief usually dismissed cases of indebtedness brought against minors, because it was considered unseemly for adults to give credit or to loan valuable property to youths not yet of age. Thus, if the minor's family refused to make restitution, the creditor usually had no redress. However, if a woman borrowed property and refused to return it, her husband's lineage was held responsible. Similarly, if an adult male borrowed anything and refused to return it or to do so on time, the case was taken to the local court and eventually to the district court. The creditor was asked to supply witnesses to the loan, and if the chief was satisfied that the loan had been made under the conditions specified, the debtor was ordered to make restitution. If the debtor claimed bankruptcy, the chief ordered that his goods be seized and sold, and that restitution be made to the creditor. If the debtor was truly destitute, his relatives were compelled to pay his debts. The collective responsibility of the babissi for the debts of its members was seen most clearly in cases where men died in a state of indebtedness. The creditors were allowed to summon the debtor's babissi to court, and if proof of the debt was established, the relatives were compelled to repay. If they failed to do so, the chief's police seized and sold their goods to repay the debt.

Cases dealing with violations of civil contracts were somewhat similar. The Mossi did not believe in the axiom *caveat emptor*. If a man sold an animal that died within a week for no apparent reason, the chief ordered an investigation. If it was found that the animal had been ill when sold, the chief ordered that the buyer be reimbursed. If the investigation showed that the animal had been healthy when sold, no restitution was made. Similarly, if a man borrowed an ass or an ox to transport goods and the animal

died while he was using it, the owner could not press any claims. However, the borrower was obliged to sell the animal's flesh and give the money to the owner along with the animal's skin as proof of its death. Under no circumstances would a district chief absolve a man from paying the market value of an animal if he failed to return the skin. Such failure would brand him as a thief and involve an additional fine.

The Mossi considered theft a major crime. A thief could be killed with impunity if he was caught in the act and in the presence of several witnesses. If these conditions were not met but the man killed was known to have been a thief, the killer was fined several cows. But if he was known to have been a man of good character, the killer ran the risk of being executed. In this way, the Mossi tried to prevent any abuse of an accepted practice. The theft of grain and other foodstuffs was considered especially reprehensible, because it was held to indicate that the thief was so depraved that he would not even grow his own food. During the rule of Naba Kaglere of Nobere district (1888–1906), a man called Yahiya left his own village of Donse and went to a village called Quitenga to steal sweet potatoes. The people of that village caught him in the act and shot him with a poisoned arrow as he made his escape. Yahiya died without revealing the source of his wound, and his babissi, suspecting foul play, asked Kaglere to investigate. When the Quitenga people learned of the investigation, they went forward voluntarily and reported the circumstances under which they had wounded Yahiya. Kaglere absolved them of all guilt and told the Donse people that Yahiya had deserved to die, not only because he had stolen food (which he might have received if he had asked for it), but because sweet potatoes were the easiest vegetable to cultivate.

A thief who was too clever to be caught in the act but who was apprehended afterwards was treated quite harshly by the Mossi court. Here, the penalty of double indemnity was often applied. A man who was brought to court for stealing a chicken or guinea hen was fined a goat or a sheep. Hence the Mossi proverb "Zou noaga ronda bouga"—"He who steals a chicken repays a goat." The thief who stole one cow had to return several. If a thief could not pay the fine, he was placed in stocks until his relatives paid for him. If they refused to do so, the chief's retainers seized their property, sold it, and made restitution. This often compelled the family of a recidivous thief to make him commit suicide. If the family would not resort to this, the district chief had the man seized and clubbed to death.[7] Sometimes the chief sent recidivists to the Mogho Naba, who sent them to a village called Teemetenga to be made into eunuchs.[8]

The Mossi seem to have made a distinction between theft and pillage—

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a practice whereby nobles deprived commoners of their property. Those nobles who lived among commoners quite often confiscated their neighbors' property. But this was not regarded as theft and was not punishable as such, although a rapacious nobleman could be sanctioned for terrorizing and "spoiling" a village. If a nobleman was caught performing an act that *was* considered theft, or if he was accused and found guilty of theft, he was severely punished. During Kaglere's reign, the people of a small village suffered a series of livestock thefts. One day, while the friends of a village chief were sitting with him, a dog came out of the chief's compound dragging an animal skin. The men recognized the skin as that described for a stolen goat, and decided to investigate. In the chief's courtyard they discovered the hole from which the dog had unearthed the skin. They also found the skins of several other stolen animals. The villagers took the village chief to the district chief, who found him guilty and exiled him from the region. In passing judgment, the district chief told him that he had been elected "to care for the village," but that he had betrayed his trust by robbing his own people.

According to Mossi law, willful homicide or murder was punishable by execution. The Mossi did not use wergild or "blood money," but insisted on the *lex talionis,* which they interpreted as "a life for a life." They did not believe that money or any other valuables could compensate for the life of a man, nor would they allow a slave to be executed in place of the murderer. They believed that only by executing the murderer himself could they prevent his victim's relatives from resorting to vengeance and thus "spoiling" the district or village.

A man who grievously wounded another was apprehended, bound, and taken to the village chief and subsequently to the district chief. Here he was kept in stocks in the serfs' quarter without being tried until his victim either died or recovered. If his victim recovered and the judge found that the wound had been inflicted accidentally, the defendant was fined or had his goods confiscated, but he was released. If the judge found that the victim had been wounded in a fair fight, the prisoner was usually censured and dismissed. The chief often warned the wounded man that he ought to have lived up to the Mossi axiom that a grown man is always able to protect himself. If, however, the trial revealed that the prisoner had ambushed his victim with the intent to kill, he either was fined several cows or had his entire property confiscated. District chiefs are known to have executed the perpetrators of cowardly ambushes even though their victims recovered.

If a man died at the hands of another, an inquest was held immediately. If the killing had been accidental or committed in self-defense, or if it was